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C O N F I D E N T I A L SARAJEVO 000679

SIPDIS

DEPARTMENT FOR EUR (JONES), EUR/SCE (FOOKS, MCGUIRE), S/WCI
(WILLIAMSON, VIBUL-JOLLES), INR (MORIN), EUR/ACE (KEETON),
INL (CARROLL); NSC (HELGERSON); OSD FOR BEIN

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TAGS: [PGOV](#) [PREL](#) [EAID](#) [KCRM](#) [KJUS](#) [BK](#)
SUBJECT: BOSNIA: COM REJECTS LEGISLATIVE AMENDMENTS
EXTENDING THE PRESENCE OF INTERNATIONAL JUDGES AND
PROSECUTORS

REF: SARAJEVO 574 AND PRIOR

Classified By: A/DCM Frank Ostrander for Reasons 1.4 (B) and (D)

11. (U) During its June 4 session, the Council of Ministers in a 2-7 vote rejected a proposal to extend the presence of international judges and prosecutors working at the State Court and the State Prosecutor's Office past December 2009. The defeat of the initiative dealt a severe blow to the State Court and the State Prosecutor's efforts to extend the presence of the internationals. The rejected proposal itself fell far short of what State Court President Meddzida Kreso and State Prosecutor Milorad Barasin had been seeking. It excluded extending the presence of internationals working on organized crime, corruption, and terrorism cases and called for a two year rather than a three year mandate (a three year mandate would allow the internationals to assist in the lead up to the International Criminal Tribunal for the Former Yugoslavia's close-out). It also replaced the international heads of the Special Departments for War Crimes and Organized Crime at the State Prosecutor's Office with nationals. (Note: There had been indications that there was some consensus among politicians on the need to extend the presence of the internationals working on war crimes given Bosnia's need to fulfill its ICTY obligations and to implement the National War Crimes Strategy. End Note)

12. (U) Each ethnic group took different positions on the issue. The two Croat Ministers, including Justice Minister Barisa Colak, voted for the initiative because, in line with their HDZ-BiH party leader Dragan Covic's wishes, it excluded internationals from working on organized crime. The Bosniak Ministers rejected the initiative because they wanted a longer mandate and were concerned about not including the organized crime element. The Serbs, under the leadership of Prime Minister Nikola Spiric, said they wanted further discussion of the issue, even though the internationals in the State Court and the State Prosecutor's Office are running up against a legislatively-mandated December 2009 departure. Spiric also argued against having the internationals work on organized crime cases, even though this was not part of the proposed legislative amendments.

13. (C) Comment: The defeat of the initiative to extend the presence of the internationals is a blow to our rule of law agenda here in Bosnia. The internationals have made valuable contributions in the investigation, prosecution, and adjudication of war crimes, organized crime, corruption, and terrorism cases. We are particularly concerned about the impact of the departure of the internationals working on

organized crime at the State Court at the State Prosecutor's Office. It is likely that once the internationals leave, the nationals would shy away from aggressively pursuing complicated and politically sensitive cases, such as those involving Covic and Republika Srpska Prime Minister Dodik. Along with other members of the international community, we plan to lobby for the Council of Ministers to re-consider the proposed draft amendments (with some changes) before the start of the Peace Implementation Council meeting later this month.

ENGLISH